

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ASHTON FITZHERBERT ANDRIES,

Applicant,

v.

No. CV 09-0742-MCA-GBW

JANET NAPOLITANO Secretary of
Homeland Security, HASSEL TERRY,
Warden Otero County Processing Center,

Respondents.

ORDER TO CURE DEFICIENCY

Applicant submitted an application for writ of habeas corpus. The Court determines that the documents are deficient as described in this order. Applicant is directed to cure the following if he wishes to pursue his claims:

I. Filing Fee.

X No filing fee (\$5.00 habeas corpus) has been received.

II. Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to § 1915:

- (1) X is not filed
- (2) is missing affidavit
- (3) is missing required financial information
- (4) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (5) is missing an original signature by the prisoner
- (6) names in caption do not match names in caption of complaint, petition or habeas application
- (7) An original and a copy have not been received by the Court.
Only an original has been received.
- (8) other _____

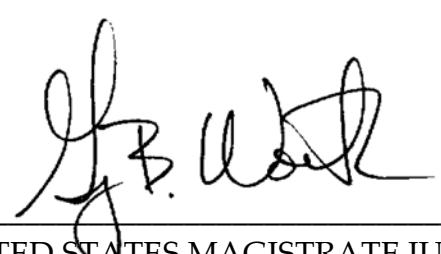
III. Petition or Application:

- (1) is missing
- (2) is not on proper form (must use our form Rev. 5/96)
- (3) is missing an original signature by the prisoner
- (4) is missing page nos. _____
- (5) uses et al. instead of listing all defendants/respondents
- (6) An original and a copy have not been received by the Court. Only an original has been received.
- (7) Sufficient copies to serve each defendant/respondent have not been received by the Court.
- (8) names in caption do not match names in text
- (9) other _____

IT IS THEREFORE ORDERED that Applicant cure the deficiencies designated above within thirty (30) days from the date of this order. Any papers which Applicant files in response to this order must include the civil action number (CV 09-0742 MCA/GBW) of this case.

IT IS FURTHER ORDERED that the Clerk of the Court mail to Applicant, together with a copy of this order, the following forms: 2 copies each of a Motion for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a form application with instructions.

IT IS FURTHER ORDERED that, if Applicant fails to cure the designated deficiencies within thirty (30) days from the date of this order, this action may be dismissed without prejudice without further notice.



UNITED STATES MAGISTRATE JUDGE